



# FAIRFAX COUNTY PARK AUTHORITY

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## M E M O R A N D U M



**TO:** Chairman and Members  
Park Authority Board

**VIA:** Michael A. Kane, Director *et al*

**FROM:** Miriam Morrison  
Chief Financial Officer

**DATE:** July 7, 2006

### *Agenda*

**Administration, Management, and Budget Committee**

**Wednesday, July 12, 2006 – 4:00 p.m.**

**Board Room – Herrity Building**

**Chairman: Kenneth G. Feng**

1. 2007 General Assembly – Action\*
2. FY 2006 Carryover Budget Review – Fund 001, Park Authority General Fund – Action\*
3. FY 2006 Carryover Budget Review – Fund 170, Park Revenue Fund – Information\*
4. FY 2006 Carryover Budget Review – Fund 303, County Construction Fund – Action\*
5. FY 2006 Carryover Budget Review – Fund 370, Park Authority Bond Construction Fund – Action\*
6. FY 2006 Carryover Budget Review – Fund 371, Park Capital Improvement Fund – Action\*

\*Enclosures

cc: Timothy K. White  
Leadership Team

Board Agenda Item  
July 26, 2006

**ACTION -**

2007 General Assembly

ISSUE:

Approval of two submissions to the County Executive for inclusion in the draft County legislative program for the 2007 Virginia General Assembly.

RECOMMENDATION:

The Park Authority Director recommends that the Park Authority Board approve the two submissions to the County Executive for inclusion in the draft County legislative program for the 2007 Virginia General Assembly.

TIMING:

Board action is requested on July 26, 2006, in order to allow for submission to the County Executive by the August 11, 2006 deadline.

BACKGROUND:

The County's process for developing the draft County legislative program for the 2007 Virginia General Assembly is underway, and the Board of Supervisors' Legislative Committee is anticipated to begin meeting in late summer/early fall. This timing will allow for the County to obtain Board approval for the 2007 program, identify legislative patrons, and draft and submit legislation before the early December deadline for prefiling bills.

There are three types of requests that may be submitted by county agencies: legislative initiative requests, budget initiative requests, and position statements. The County Executive has requested that each agency submit one legislative initiative request and one budget initiative request; position statements are not limited.

Staff has identified two legislative initiative requests for submittal to the County Executive, for consideration as part of the 2007 legislative program, as follows:

- 1) VFOIA – Release of Data on Minors Through Freedom of Information Act Requests (Attachment 1): Initiates legislation to amend the Virginia Freedom of Information Act (VFOIA) to allow authorities to claim the Parks and Recreation exception to restrict the release of personal data on minors.

Board Agenda Item  
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- 2) Environmentally Preferable Products (Attachment 2): Initiates legislation to amend VA Code 2.2 - 4301, 2.2 - 4303, and 2.2 - 4313 to encourage the purchase of environmentally preferable products.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

- Attachment 1: VFOIA – Release of Data on Minors Through Freedom of Information Act Requests  
Attachment 2: Environmentally Preferable Products

STAFF:

Michael A. Kane, Director  
Timothy K. White, Chief Operating Officer  
Elisa Lueck, Manager of Strategic Initiatives and Policy Development  
Charles Bittenbring, Director, Park Services Division  
Miriam Morrison, Director, Administration Division  
Sue Frinks, Supervisor, Purchasing Branch, Administration Division

# LEGISLATIVE INITIATIVE FORM

(Completed form to be provided to the Board's Legislative Committee)

## GENERAL SUBJECT AREA – TITLE OF PROPOSAL

**VFOIA – RELEASE OF DATA ON MINORS THROUGH FREEDOM OF INFORMATION ACT REQUESTS**

## PROPOSAL:

Initiate legislation to amend the Virginia Freedom of Information Act (VFOIA) to allow authorities to claim the Parks and Recreation exception to restrict release of personal data on minors - Va. Code Ann. § 2.2-3705.7(22)

## SOURCE:

Fairfax County Park Authority  
July 26, 2006

## BACKGROUND:

Currently, certain records of state and local park and recreation departments are exempted from the mandatory disclosure requirements of VFOIA. Under the exemption, a parent or legal guardian can request in writing that these records not be disclosed through a VFOIA request if it contains identifying information on persons under the age of 18 years. The language of the exemption specifically names *local park and recreation departments*, but omits *park authorities*. Under the Code of Virginia, park authorities are distinct legal entities from a "department" of local government. This legal distinction had the unintentional consequence of not allowing park authorities to protect personal information on persons under the age of 18 years in the same way that local park and recreation departments are able to enforce. In order to be covered by the exemption, Va. Code Ann. § 2.2-3705.7(22) must be amended to specifically include local park authorities.

## RECOMMENDATION

*(Do not fill out – This will be indicated by the Legislative Director and County Executive)*

# INITIATIVE INFORMATION SHEET

(Supplemental background information to be used by staff to pursue actual legislation)

## PROPOSED NEW OR REVISED STATUTORY LANGUAGE:

The current Virginia Code should be amended by adding the following to Va. Code Ann. § 2.2-3705.7(22) (LNMB Supp. 2004):

*The following records are excluded from the provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law:*

....

*Records of state or local park and recreation departments **and park authorities** to the extent such records contain information identifying a person under the age of 18 years, where the parent or legal guardian of such person has requested in writing that such information not be disclosed. However, nothing in this subdivision shall operate to prohibit the disclosure of information defined as directory information under regulations implementing the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, unless the public body has undertaken the parental notification and opt-out requirements provided by such regulations. Access shall not be denied to the parent, including a noncustodial parent, or guardian of such person, unless the parent's parental rights have been terminated or a court of competent jurisdiction has restricted or denied such access. For records of such persons who are emancipated, the right of access may be asserted by the subject thereof.*

Note: Karen L. Gibbons, Assistant County Attorney, has not yet reviewed this revised language, but did previously recommend it.

## ADDITIONAL BACKGROUND INFORMATION:

In the 2004 session of the General Assembly, certain records of state and local park and recreation departments were exempted from the mandatory disclosure requirements of VFOIA. Under the exemption, a parent or legal guardian can request in writing that these records not be disclosed through a VFOIA request if it contains identifying information on persons under the age of 18 years.

The language of the exemption specifically names *local park and recreation departments*, but omits *park authorities*. Under the Code of Virginia, park authorities are distinct legal entities and not a "department" of local government, but instead a "body politic and corporate." This legal distinction had the unintentional consequence of not allowing park authorities to protect personal information on persons under the age of 18 years in the same way that local park and recreation departments are able to enforce.

In order for park authorities to be covered by the exemption, Va. Code Ann. § 2.2-3705.7(22) (LNMB Supp. 2004) should be amended to specifically include local park authorities. This proposed addition simply takes care of an omission in the original language of the amendment.

**RELATED FEDERAL OR STATE STATUTES OR REGULATIONS, OR ANY PERTINENT COURT DECISIONS OR LEGAL OPINIONS:**

The Park Authority sought the opinion of the County Attorney's Office in April 2005 regarding the applicability of the exemption as currently worded. In the opinion of Assistant County Attorney Karen Gibbons:

Without the proposed additional language, park authorities are not included under the existing amendment. There are several relevant court decisions and statutes:

The Supreme Court of Virginia has articulated the following principles of statutory construction that apply when a statute is clear and unambiguous:

While in the construction of statutes the constant endeavor of the courts is to ascertain and give effect to the intention of the legislature, that intention must be gathered from the words used, unless a literal construction would involve a manifest absurdity. Where the legislature has not used words of a plain and definite import the courts cannot put upon them a construction which amounts to holding the legislature did not mean what it has actually expressed.

*Barr v. Town & County Properties*, 240 Va. 292, 295, 396 S.E.2d 672, 674 (1990) (quoting *Watkins v. Hall*, 161 Va. 924, 930, 172 S.E. 445, 447 (1934)). Further, the Court has stated:

We must also assume that the legislature chose, with care, the words it used when it enacted the relevant statute, and we are bound by those words as we interpret the statute. "Courts are not permitted to rewrite statutes. This is a legislative function. The manifest intention of the legislature, clearly disclosed by its language, must be applied. There can be no departure from the words used where the intention is clear."

*Id.* (quoting *Anderson v. Commonwealth*, 182 Va. 560, 566, 29 S.E.2d 838, 841 (1944)).

VFOIA itself contains the following rule of construction: "The provisions of this chapter shall be liberally construed . . . Any exemption from public access to records . . . shall be narrowly construed . . ." Va. Code Ann. §2.2-3700(B) (LNMB Supp. 2004).

**ANY APPROPRIATE ANALYSES, FINANCIAL ESTIMATES, STATISTICS:**

None cited.

**PROS/CONS OF THE ISSUE:**

Pros:

- Corrects an unintentional omission in the language of the original amendment
- Provides comparable privacy protection for persons under the age of 18 years enrolled in park authority programs to those in local park and recreation departments.

Cons:

- Limits access to information currently available through VFOIA.

**POSSIBLE SUPPORT OR OPPOSITION BY ORGANIZATIONS:**

Organization or groups that may be in favor:

- Virginia Recreation and Parks Society (VRPS)
- National Recreation and Parks Association (NRPA)
- Fairfax County Department of Human Resources
- Fairfax County Park Authority Board
- Fairfax County Board of Supervisors
- Prince William County Park Authority
- Northern Virginia Regional Park Authority

Organizations or groups that may be against the proposed change:

- First Amendment advocates who may be unwilling to support additional restrictions on access to public information.
- Private businesses that may seek to obtain mailing lists for youth programs

**STAFF CONTACT PERSON(S):**

Charles Bittenbring, Fairfax County Park Authority, Park Services Division Director, 703-324-8585

John Berlin, Fairfax County Park Authority, Program Section Manager, 703-324-5576

Karen L. Gibbons, Assistant County Attorney, 703-324-2659

## LEGISLATIVE INITIATIVE FORM

(Completed form to be provided to the Board's Legislative Committee)

### GENERAL SUBJECT AREA -- TITLE OF PROPOSAL

Environmentally preferable products

### PROPOSAL: *(Provide a brief description of the proposal)*

Initiate legislation to amend VA Code 2.2-4301, 2.2-4303, and 2.2-4313 to encourage the purchase of environmentally preferable products.

### SOURCE: *(Provide the name of the agency, board, or commission generating the proposal and the date of the proposal)*

Fairfax County Park Authority  
July 26, 2006

### **BACKGROUND:**

On June 9, 2004, the Fairfax County Park Authority Board, with approval from Cathy Muse in the Department of Purchasing and Supply Management, established a Green Procurement Policy (Policy 512) for the Park Authority. This policy provides guidelines on environmentally friendly purchasing for goods, services and construction.

### **Policy 512 Green Procurement**

The Fairfax County Park Authority will integrate environmental considerations into all aspects of purchasing goods, services and construction in a manner that will best support the environment while being cost effective to the citizens of the county and park patrons.

All purchases of goods and services and construction should:

1. Be durable, repairable, recyclable or recycled and cost effective.
2. Have a minimum of packaging, toxic content or chemical hazard potential.
3. Be as environmentally friendly as possible and still be effective.
4. Be as efficient as possible in the use of raw materials throughout the product's entire lifecycle.
5. Take into account the varying operations and facilities present within the Park Authority.
6. Minimize or eliminate the Park Authority's environmental liability.



All contracts shall be awarded pursuant to the Fairfax County Purchasing Resolution.

*Adopted June 9, 2004*

The Board of Supervisors' Environmental Subcommittee has expressed a desire for a greater recycling effort by County Agencies. Although current legislation provides for the purchase of recycled materials, that same legislation excludes packaging and containers as well as other toxic goods and services.

**RECOMMENDATION:**

*(Do not fill out-- This will be indicated by the Legislative Director and County Executive)*

## **LEGISLATIVE INITIATIVE INFORMATION SHEET**

**(Supplemental background information to be used by staff to pursue actual legislation)**

**PROPOSED NEW OR REVISED STATUTORY LANGUAGE:**

*(Indicate actual wording change to Va. Code; use Code citation and please indicate whether you have had the County Attorney's office review the proposed new or revised statutory language; specific Code language can be copied from the web by typing the specific Section number at: <http://leg1.state.va.us/000/src.htm>)*

René Faulkner-MacDonagh of the County Attorney's Office has reviewed this proposal.

1. Add language to § 2.2-4301. Definitions. to include the definition of "environmentally preferable products" as follows:

§ **2.2-4301**. Definitions.

As used in this chapter:

"Affiliate" means an individual or business that controls, is controlled by, or is under common control with another individual or business. A person controls an entity if the person owns, directly or indirectly, more than 10 percent of the voting securities of the entity. For the purposes of this definition "voting security" means a security that (i) confers upon the holder the right to vote for the election of members of the board of directors or similar governing body of the business or (ii) is convertible into, or entitles the holder to receive, upon its exercise, a security that confers such a right to vote. A general partnership interest shall be deemed to be a voting security.

"Best value," as predetermined in the solicitation, means the overall combination of quality, price, and various elements of required services that in total are optimal relative to a public body's needs.

"Business" means any type of corporation, partnership, limited liability company, association, or sole proprietorship operated for profit.

"Competitive negotiation" is a method of contractor selection that includes the following elements:

1. Issuance of a written Request for Proposal indicating in general terms that which is sought to be procured, specifying the factors that will be used in evaluating the proposal and containing or incorporating by reference the other applicable contractual terms and conditions, including any unique capabilities or qualifications that will be required of the contractor.

2. Public notice of the Request for Proposal at least 10 days prior to the date set for receipt of proposals by posting in a public area normally used for posting of public notices and by publication in a newspaper or newspapers of general circulation in the area in which the contract is to be performed so as to provide reasonable notice to the maximum number of offerors that can be reasonably anticipated to submit proposals in response to the particular request. Public notice may also be published on the Department of General Services' central electronic procurement website and other appropriate websites. Effective July 1, 2002, publishing by state agencies, departments and institutions on the public Internet procurement website designated by the Department of General Services shall be required. In addition, proposals may be solicited directly from potential contractors.

3. a. Procurement of professional services. The public body shall engage in individual discussions with two or more offerors deemed fully qualified, responsible and suitable on the basis of initial responses and with emphasis on professional competence, to provide the required services. Repetitive informal interviews shall be permissible. The offerors shall be encouraged to elaborate on their qualifications and performance data or staff expertise pertinent to the proposed project, as well as alternative concepts. The Request for Proposal shall not, however, request that offerors furnish estimates of man-hours or cost for services. At the discussion stage, the public body may discuss nonbinding estimates of total project costs, including, but not limited to, life-cycle costing, and where appropriate, nonbinding estimates of price for services. Proprietary information from competing offerors shall not be disclosed to the public or to competitors. At the conclusion of discussion, outlined in this subdivision, on the basis of evaluation factors published in the Request for Proposal and all information developed in the selection process to this point, the public body shall select in the order of preference two or more offerors whose professional qualifications and proposed services are deemed most meritorious. Negotiations shall then be conducted, beginning with the offeror ranked first. If a contract satisfactory and advantageous to the public body can be negotiated at a price considered fair and reasonable, the award shall be made to that offeror. Otherwise, negotiations with the offeror ranked first shall be formally terminated and negotiations conducted with the offeror ranked second, and so on until such a contract can be negotiated at a fair and reasonable price. Notwithstanding the foregoing, if the terms and conditions for multiple awards are included in the Request for Proposal, a public body may award contracts to more than one offeror.

Should the public body determine in writing and in its sole discretion that only one offeror is fully qualified, or that one offeror is clearly more highly qualified and suitable than the others under consideration, a contract may be negotiated and awarded to that offeror.

A contract for architectural or professional engineering services relating to construction projects may be negotiated by a public body, for multiple projects provided (i) the projects require similar experience and expertise, (ii) the nature of the projects is clearly identified in the Request for Proposal, and (iii) the contract term is limited to one year or when the cumulative total project fees reach the maximum cost authorized in this paragraph, whichever occurs first. For state public bodies, such contract, except those awarded for environmental, location, design and inspection work regarding highways and bridges by the Commonwealth Transportation Commissioner may be renewable for four additional one-year terms at the option of the public body. For local public bodies, such contract may be renewable for two additional one-year terms at the option of the public body. Under such contract, (a) the fair and reasonable prices, as negotiated, shall be used in determining the cost of each project performed, (b) except those awarded for environmental, location, design and inspection work regarding highways and bridges by the Commonwealth Transportation Commissioner, the sum of all projects performed in one contract term shall not

exceed \$500,000 or, in the case of a state agency, as defined in § 2.2-4347, such greater amount as may be determined by the Director of the Department of General Services, not to exceed \$1 million, except that in any locality or any authority or sanitation district with a population in excess of 80,000, the sum of all such projects shall not exceed \$1 million; and (c) except those awarded for environmental, location, design and inspection work regarding highways and bridges by the Commonwealth Transportation Commissioner, the project fee of any single project shall not exceed \$100,000 or, in the case of a state agency, such greater amount as may be determined by the Director of the Department of General Services not to exceed \$200,000, except that in any locality or any authority or sanitation district with a population in excess of 80,000, such fee shall not exceed \$200,000. Any unused amounts from the first contract term shall not be carried forward to the additional term. Competitive negotiations for such contracts may result in awards to more than one offeror provided (1) the Request for Proposal so states and (2) the public body has established procedures for distributing multiple projects among the selected contractors during the contract term. For contracts for environmental location, design and inspection work regarding highways and bridges by the Commonwealth Transportation Commissioner, the sum of all projects in one contract term shall not exceed \$2 million and such contract may be renewable for two additional one-year terms at the option of the Commissioner.

Multiphase professional services contracts satisfactory and advantageous to the Department of Transportation for environmental, location, design and inspection work regarding highways and bridges may be negotiated and awarded based on a fair and reasonable price for the first phase only, when completion of the earlier phases is necessary to provide information critical to the negotiation of a fair and reasonable price for succeeding phases.

Multiphase professional services contracts satisfactory and advantageous to a local public body for environmental, location, design and inspection work regarding construction of infrastructure projects may be negotiated and awarded based on qualifications at a fair and reasonable price for the first phase only, when completion of the earlier phases is necessary to provide information critical to the negotiation of a fair and reasonable price for succeeding phases. Prior to the procurement of any such contract, the local public body shall state the anticipated intended total scope of the project and determine in writing that the nature of the work is such that the best interests of such public body require awarding the contract.

b. Procurement of other than professional services. Selection shall be made of two or more offerors deemed to be fully qualified and best suited among those submitting proposals, on the basis of the factors involved in the Request for Proposal, including price if so stated in the Request for Proposal. Negotiations shall then be conducted with each of the offerors so selected. Price shall be considered, but need not be the sole determining factor. After negotiations have been conducted with each offeror so selected, the public body shall select the offeror which, in its opinion, has made the best proposal, and shall award the contract to that offeror. When the terms and conditions of multiple awards are so provided in the Request for Proposal, awards may be made to more than one offeror. Should the public body determine in writing and in its sole discretion that only one offeror is fully qualified, or that one offeror is clearly more highly qualified than the others under consideration, a contract may be negotiated and awarded to that offeror.

"Competitive sealed bidding" is a method of contractor selection, other than for professional services, which includes the following elements:

1. Issuance of a written Invitation to Bid containing or incorporating by reference the specifications and contractual terms and conditions applicable to the procurement. Unless the public body has provided for prequalification of bidders, the Invitation to Bid shall include a statement of any requisite qualifications of potential contractors. When it is impractical to prepare initially a purchase description to support an award based on prices, an Invitation to Bid may be issued requesting the submission of unpriced offers to be followed by an Invitation to Bid limited to those bidders whose offers have been qualified under the criteria set forth in the first solicitation.

2. Public notice of the Invitation to Bid at least 10 days prior to the date set for receipt of bids by posting in a designated public area, or publication in a newspaper of general circulation, or both. Public notice may also be published on the Department of General Services' central electronic procurement website and other appropriate websites. Effective July 1, 2002, posting by state agencies, departments and institutions on the public Internet procurement website designated by the Department of General Services shall be required. In addition, bids may be solicited directly from potential contractors. Any additional solicitations shall include businesses selected from a list made available by the Department of Minority Business Enterprise.

3. Public opening and announcement of all bids received.

4. Evaluation of bids based upon the requirements set forth in the invitation, which may include special qualifications of potential contractors, life-cycle costing, value analysis, and any other criteria such as inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose, which are helpful in determining acceptability.

5. Award to the lowest responsive and responsible bidder. When the terms and conditions of multiple awards are so provided in the Invitation to Bid, awards may be made to more than one bidder.

"Construction" means building, altering, repairing, improving or demolishing any structure, building or highway, and any draining, dredging, excavation, grading or similar work upon real property.

"Construction management contract" means a contract in which a party is retained by the owner to coordinate and administer contracts for construction services for the benefit of the owner, and may also include, if provided in the contract, the furnishing of construction services to the owner.

"Design-build contract" means a contract between a public body and another party in which the party contracting with the public body agrees to both design and build the structure, roadway or other item specified in the contract.

"Environmentally preferable products," means products that have fewer or reduced negative impacts on human health or the environment compared to competing products that serve the same purpose. This comparison may consider raw materials acquisition, production, manufacturing, packaging, distribution, operation, maintenance, reuse and disposal of the product.

In making a determination on environmentally preferable products these factors should be considered:

- Durable, repairable, recyclable or recycled and cost effective.
- Have a minimum of packaging, toxic content or chemical hazard potential.
- Be as environmentally friendly as possible and still be effective.
- Be as efficient as possible in the use of raw materials throughout the products entire lifecycle.
- Take into account the varying operations and facilities present
- Minimize or eliminate environmental liability.

"Goods" means all material, equipment, supplies, printing, and automated data processing hardware and software.

"Informality" means a minor defect or variation of a bid or proposal from the exact requirements of the Invitation to Bid, or the Request for Proposal, which does not affect the price, quality, quantity or delivery schedule for the goods, services or construction being procured.

"Multiphase professional services contract" means a contract for the providing of professional services where the total scope of work of the second or subsequent phase of the contract cannot be specified without the results of the first or prior phase of the contract.

"Nonprofessional services" means any services not specifically identified as professional services in the definition of professional services.

"Potential bidder or offeror" for the purposes of §§ 2.2-4360 and 2.2-4364 means a person who, at the time a public body negotiates and awards or proposes to award a contract, is engaged in the sale or lease of goods, or the sale of services, insurance or construction, of the type to be procured under the contract, and who at such time is eligible and qualified in all respects to perform that contract, and who would have been eligible and qualified to submit a bid or proposal had the contract been procured through competitive sealed bidding or competitive negotiation.

"Professional services" means work performed by an independent contractor within the scope of the practice of accounting, actuarial services, architecture, land surveying, landscape architecture, law, dentistry, medicine, optometry, pharmacy or professional engineering. "Professional services" shall also include the services of an economist procured by the State Corporation Commission.

"Public body" means any legislative, executive or judicial body, agency, office, department, authority, post, commission, committee, institution, board or political subdivision created by law to exercise some sovereign power or to perform some governmental duty, and empowered by law to undertake the activities described in this chapter.

"Public contract" means an agreement between a public body and a nongovernmental source that is enforceable in a court of law.

"Responsible bidder" or "offeror" means a person who has the capability, in all respects, to perform fully the contract requirements and the moral and business integrity and reliability that will assure good faith performance, and who has been prequalified, if required.

"Responsive bidder" means a person who has submitted a bid that conforms in all material respects to the Invitation to Bid.

"Reverse auctioning" means a procurement method wherein bidders are invited to bid on specified goods or nonprofessional services through real-time electronic bidding, with the award being made to the lowest responsive and responsible bidder. During the bidding process, bidders' prices are revealed and bidders shall have the opportunity to modify their bid prices for the duration of the time period established for bid opening.

"Services" means any work performed by an independent contractor wherein the service rendered does not consist primarily of acquisition of equipment or materials, or the rental of equipment, materials and supplies.

"Sheltered workshop" means a work-oriented rehabilitative facility with a controlled working environment and individual goals that utilizes work experience and related services for assisting the handicapped person to progress toward normal living and a productive vocational status.

(1982, c. 647, § 11-37; 1984, cc. 279, 764; 1985, c. 164; 1987, cc. 176, 218, 474; 1989, cc. 309, 323; 1991, c. 559; 1996, cc. 460, 683; 2000, cc. 621, 638, 643, 644, 647, 665, 692, 703; 2001, cc. 395, 675, 844; 2003, cc. 185, 644, 895, 994, 1006; 2004, c. 458; 2006, c. 206.)

2. Add language to Section 2.2-4303 of the Code of Virginia, as follows:

§ 2.2-4303. Methods of procurement.

A. All public contracts with nongovernmental contractors for the purchase or lease of goods, or for the purchase of services, insurance, or construction, shall be awarded after competitive sealed bidding, or competitive negotiation as provided in this section, unless otherwise authorized by law.

B. Professional services shall be procured by competitive negotiation.

C. Upon a determination made in advance by the public body and set forth in writing that competitive sealed bidding is either not practicable or not fiscally advantageous to the public, goods, services, or insurance may be procured by competitive negotiation. The writing shall document the basis for this determination.

Upon a written determination made in advance by (i) the Governor or his designee in the case of a procurement by the Commonwealth or by a department, agency or institution thereof or (ii) the local governing body in the case of a procurement by a political subdivision of the Commonwealth, that competitive negotiation is either not practicable or not fiscally advantageous, insurance may be procured through a licensed agent or broker selected in the manner provided for the procurement of things other than professional services in subdivision 3 b of the definition of "competitive negotiation" in § 2.2-4301. The basis for this determination shall be documented in writing.

D. Construction may be procured only by competitive sealed bidding, except that competitive negotiation may be used in the following instances upon a determination made in advance by the public body and set forth in writing that competitive sealed bidding is either not practicable or not fiscally advantageous to the public, which writing shall document the basis for this determination:

1. By the Commonwealth, its departments, agencies and institutions on a fixed price design-build basis or construction management basis under § 2.2-4306;

2. By any (a) public body for the construction, alteration, repair, renovation or demolition of buildings when the contract is not expected to cost more than \$1 million and (b) local governing body on a fixed price design-build basis or construction management basis under § 2.2-4308 when the contract is not expected to cost more than \$1 million;

3. By any public body for the construction of highways and any draining, dredging, excavation, grading or similar work upon real property;

4. By any governing body of a locality with a population in excess of 100,000 that the Design-Build/Construction Management Review Board has made a one-time determination that the locality has the personnel, procedures, and expertise to enter into a contract for construction on a fixed price or not-to-exceed price design-build or construction management basis, provided that projects undertaken by the local governing body shall be exempt only from approval of the Design-Build/Construction Management Review Board and shall otherwise be in compliance with the provisions of this section, § 2.2-4308, and other applicable law governing design-build or construction management contracts for public bodies other than the Commonwealth. The procedures of the local governing body shall be consistent with the two-step competitive negotiation process established in § 2.2-4301; or

5. As otherwise provided in § 2.2-4308.

E. Upon a determination in writing that there is only one source practicably available for that which is to be procured, a contract may be negotiated and awarded to that source without

competitive sealed bidding or competitive negotiation. The writing shall document the basis for this determination. The public body shall issue a written notice stating that only one source was determined to be practicably available, and identifying that which is being procured, the contractor selected, and the date on which the contract was or will be awarded. This notice shall be posted in a designated public area or published in a newspaper of general circulation on the day the public body awards or announces its decision to award the contract, whichever occurs first. Public notice may also be published on the Department of General Services' central electronic procurement website and other appropriate websites.

F. In case of emergency, a contract may be awarded without competitive sealed bidding or competitive negotiation; however, such procurement shall be made with such competition as is practicable under the circumstances. A written determination of the basis for the emergency and for the selection of the particular contractor shall be included in the contract file. The public body shall issue a written notice stating that the contract is being awarded on an emergency basis, and identifying that which is being procured, the contractor selected, and the date on which the contract was or will be awarded. This notice shall be posted in a designated public area or published in a newspaper of general circulation on the day the public body awards or announces its decision to award the contract, whichever occurs first, or as soon thereafter as is practicable. Public notice may also be published on the Department of General Services' central electronic procurement website and other appropriate websites.

G. A public body may establish purchase procedures, if adopted in writing, not requiring competitive sealed bids or competitive negotiation for single or term contracts for goods and services other than professional services if the aggregate or the sum of all phases is not expected to exceed \$50,000; however, such small purchase procedures shall provide for competition wherever practicable. Purchases under this subsection that are expected to exceed \$30,000 shall require the written informal solicitation of a minimum of four bidders or offerors.

H. A public body may establish purchase procedures, if adopted in writing, not requiring competitive negotiation for single or term contracts for professional services if the aggregate or the sum of all phases is not expected to exceed \$30,000; however such small purchase procedures shall provide for competition wherever practicable.

I. Upon a determination made in advance by a public body and set forth in writing that the purchase of goods, products or commodities from a public auction sale is in the best interests of the public, such items may be purchased at the auction, including online public auctions. Purchase of information technology and telecommunications goods and nonprofessional services from a public auction sale shall be permitted by any authority, department, agency, or institution of the Commonwealth if approved by the Chief Information Officer of the Commonwealth. The writing shall document the basis for this determination. However, bulk purchases of commodities used in road and highway construction and maintenance, and aggregates shall not be made by online public auctions.

J. The purchase of goods or nonprofessional services, but not construction or professional services, may be made by reverse auctioning. However, bulk purchases of commodities used in road and highway construction and maintenance, and aggregates shall not be made by reverse auctioning.

K. Upon determination made in advance by the local governing body and set forth in writing the use of environmentally preferable products is in the best interests of the public, such methods may be used.

(1982, c. 647, § 11-41; 1985, c. 164; 1986, cc. 332, 559; 1987, c. 456; 1988, cc. 40, 640; 1989, c. 296; 1991, c. 73; 1993, c. 242; 1996, cc. 827, 965, 1019; 1999, c. 178; 2000, cc. 637, 647, 664, 692; 2001, cc. 395, 844; 2003, cc. 644, 895; 2004, cc. 706, 874, 906; 2005, c. 394; 2006, cc. 464, 510.)

3. Add language to Section 2.2-4313 of the Code of Virginia, as follows:

§ 2.2-4313. Petition for recycled goods and products; periodic review of procurement standards.

A. Any person who believes that particular goods or products with recycled content are functionally equivalent to the same goods or products produced from virgin materials may petition the Department of General Services or other appropriate agency of the Commonwealth to include the recycled goods or products in its procurement process. The petitioner shall submit, prior to or during the procurement process, documentation that establishes that the goods or products (i) contain recycled content and (ii) can meet the performance standards set forth in the applicable specifications. If the Department of General Services or other agency of the Commonwealth that receives the petition determines that the documentation demonstrates that the goods or products with recycled content will meet the performance standards set forth in the applicable specifications, it shall incorporate the goods or products into its procurement process.

B. The Department of General Services and all agencies of the Commonwealth shall review and revise their procurement procedures and specifications on a continuing basis to encourage the use of goods and products with recycled content and shall, in developing new procedures and specifications, encourage the use of goods and products with recycled content.

C. The Department of General Services and all agencies of the Commonwealth shall review and revise their procurement procedures and specifications on a continuing basis to encourage environmentally preferable products.

D. Assign appropriate personnel to fulfill the requirements of this policy.

E. Prepare bid documents and contract language where necessary for implementation.

F. Collect data on purchases by departments of recycled and other environmentally preferable products and prepare and submit a report each year by August 1 to the main purchasing authority describing the progress of departments in implementation of environmental purchasing, including the following elements:

1. Quantities, costs and types of recycled and other environmentally preferable products purchased.

2. A summary of the savings achieved through the purchase of recycle and other environmentally preferable products.

3. A summary of program promotional efforts.

G. Exemptions:

Nothing in the Code shall be construed as requiring the Department of General Services and all agencies of the Commonwealth department or contractor to procure products that do not perform adequately for their intended end use or are not available at a reasonable price in a reasonable period of time.

(1993, c. 223, § 11-41.01; 2001, c. 844.)



**ADDITIONAL BACKGROUND INFORMATION:**

*(Additional information may be necessary to fully develop the idea. Please assume that government relations staff may need additional technical information to fully explain the proposal and the necessity for the proposal.)*

**RELATED FEDERAL OR STATE STATUTES OR REGULATIONS, OR ANY PERTINENT COURT DECISIONS OR LEGAL OPINIONS:**

*(Self-explanatory, the latter is particularly important)*

- The above cited language was based on the State of Connecticut: *An Act Establishing A Comprehensive Policy for the Purchase of Environmentally Preferable Products by State Agencies and Making Adjustments to Recycling and Mileage Requirements.*
- **Public Contract Code Section 12400—Environmentally Preferable Purchasing**  
This law, formerly known as AB 498 (Chan, Chapter 575, Statutes of 2002), addresses environmentally preferable purchasing and became California law in September 2002. It directs the Department of General Services, in consultation with the California Environmental Protection Agency, members of the public, industry, and public health and environmental organizations, to provide state agencies with information and assistance regarding environmentally preferable purchasing.
- **Electronic Waste Recycling Act of 2003**  
**Covered Electronic Waste Payment System** (SB 20/SB 50)  
California enacted landmark legislation [SB 20 (Sher, Chapter 526, Statutes of 2003) and SB 50 (Sher, Chapter 863, Statutes of 2004)] to establish a funding system for the collection and recycling of certain electronic wastes. Procurement-related elements of the act include provisions for a reduction in hazardous substances used in certain electronic products sold in California and a directive to recommend environmentally preferred purchasing criteria for State agency purchases of certain electronic equipment

**ANY APPROPRIATE ANALYSES, FINANCIAL ESTIMATES, STATISTICS:**

*(Provide any local, state or national information that would be helpful in persuading legislators as to the merits of the proposal; this is key technical information)*

N/A

**PROS/CONS OF THE ISSUE:**

*(Why would a legislator want to support the proposal, what reasons would he/she give for*

*opposing the proposal)*

Environmentally preferable products protect natural resources and have a lesser or reduced effect on human health and the environment when compared with competing products. Such products minimize waste, conserve energy, and conserve raw materials and water. Additionally, these products cut down on landfill space.

**POSSIBLE SUPPORT OR OPPOSITION BY ORGANIZATIONS:**

*(List any organizations or groups, if any, which might be in favor of or against the proposed legislative change)*

Organizations and groups that may be in favor:

Department of Purchasing and Supply Management Branch

Department of Public Works and Environmental Services

Fairfax County Employees Recycling Committee

Fairfax County Park Authority Board

Fairfax County Board of Supervisors

Center for New American Dream <http://www.newdream.org/>

Organizations or groups that may be against the proposed change:

No known organizations or groups

**STAFF CONTACT PERSON(S):**

*(Provide name and phone number of County staff person(s) best able to assist in any further necessary research or best able to provide "expert testimony" at a General Assembly committee, if deemed necessary by County legislative staff)*

Sue Frinks, Fairfax County Park Authority, Purchasing Branch, 324-8758

Committee Agenda Item  
July 12, 2006

**ACTION -**

FY 2006 Carryover Budget Review – Fund 001, General Fund

ISSUE:

Approval of the FY 2006 Carryover for Fund 001, General Fund.

RECOMMENDATION:

The Park Authority Director recommends approval of the FY 2006 Budget Carryover for Fund 001, General Fund.

TIMING:

Board action is requested on July 12, 2006. Submission of the FY 2006 Carryover Review was due to the Department of Management and Budget on July 7, 2006.

BACKGROUND:

Carryover is the continuation of financial obligations from the current fiscal year ending June 30, 2006 (FY 2006), to the new fiscal year beginning July 1, 2006 (FY 2007). Carryover recognizes current obligations and adjusts the next fiscal year's budget appropriation for the carryover amount. Carryover items include commitments that should have been expended from the current fiscal years budget but cannot be paid until next year. It is important to identify carryover items so that additional burdens are not placed on the next year's budget.

The Park Authority is requesting carryover of \$258,620\* to be carried over to FY 2007. All carryover is for encumbered items that include start-up costs related to the Community Connections program, audit fees, a survey, training, and other obligations that need to be expended using the current year's budget allocation. There are no unencumbered carryover requests.

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FISCAL IMPACT:

The Fiscal Year 2006 carryover submission includes a request for \$258,620\* of encumbered carryover. If carryover is approved, the FY 2007 Adopted Budget will increase from \$25,766,192 to \$26,024,812\*.

\*Figures are not final until July 7, 2006 and will be distributed at the July 12, 2006 Committee meeting.

ENCLOSED DOCUMENT:

None. (General Fund (001) Carryover Summary will be distributed at the July 12, 2006 Administration, Management and Budget Committee Meeting.)

STAFF:

Michael A. Kane, Director

Timothy K. White, Chief Operating Officer

Miriam C. Morrison, Director, Administration Division

Seema Ajrawat, Fiscal Administrator, Administration Division

Susan Tavallai, Senior Budget Analyst, Administration Division

**INFORMATION -**

FY 2006 Carryover Budget Review - Fund 170, Park Revenue Fund

There is no carryover request for the Park Revenue Fund. The Revenue Fund has preliminary net revenue of \$906,600\* for FY 2006. This year's net revenue accounts for the one-time recognition of \$627,157 of previous years' deferred revenue, from the implementation of expiration dates on fixed-visit passes which reduced the impact of the current year's deferred revenue liability. Without this one-time adjustment, net revenue would have been \$279,443.

There is no request for a transfer from the Park Revenue Fund (170) to the Park Capital Improvement Fund (371) at this time. A request for transfer may be made at the 2007 Third Quarter Budget Review when better assessments can be made on the needs of the Revenue Fund. Deferring potential transfer allows more time to assess the impact of utility rates which are expected to again increase.

FISCAL IMPACT:

The fund balance will increase by \$906,600, and no transfer is requested at this time.

\* Figures are not final until July 7, 2006 and will be distributed at the July 12, 2006 Committee meeting.

ENCLOSED DOCUMENTS:

None. (Material will be distributed at the July 12, 2006 Administration, Management and Budget Committee meeting.)

STAFF:

Michael A. Kane, Director  
Timothy K. White, Chief Operating Officer  
Miriam C. Morrison, Director, Administration Division  
Seema Ajrawat, Fiscal Administrator, Administration Division  
Susan Tavallai, Senior Budget Analyst, Administration Division

Committee Agenda Item  
July 12, 2006

**ACTION -**

FY 2006 Carryover Budget Review - Fund 303, County Construction Fund

ISSUE:

Approval of the FY 2006 Budget Carryover for Fund 303, County Construction Fund.

RECOMMENDATION:

The Park Authority Director recommends approval of the FY 2006 Budget Carryover for Fund 303, County Construction Fund, for a total amount of \$564,093.

TIMING:

Board action is requested on July 12, 2006. Submission on the FY 2006 Carryover Review was due to the Department of Management and Budget on July 7, 2006.

BACKGROUND:

The Park Authority is requesting Carryover Review adjustments for recurring additional funding of \$114,093 for the utility increases in the Athletic Field Maintenance project (#005009). Shortfalls will continue to be experienced for both water and electricity. Expenditures have increased 186% for electricity and 206% for water over the last three fiscal years, due to both rate increases and the addition of 18 new irrigated athletic fields. (Note: Athletic Field Maintenance was moved from the General Fund to Fund 303 in FY 2004. No increase for utilities has been given for this project in Fund 303.)

One-time funding of \$250,000 is requested as part of Carryover for the Invasive Species Assessment Plan. Invasive non-native plants are pervasive in over 23,676 acres of Fairfax County Park Authority land and across the county and continue to cause severe degradation of native plant communities and ecological systems. These dollars would fund a consultant study to provide a countywide assessment of park land holdings, measurement of the extent and magnitude of the invasive non-native plant problem, and a prioritized control methodology that would be implemented in the future years as funds become available.

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One-time funding of \$200,000 is requested for Stewardship Education. The Park Authority must educate and engage all employees on resource stewardship. To do so requires identification of appropriate roles for each function/position and training. The Park Authority is also in a position to educate and engage county residents in resource stewardship. This funding would provide for a consultant report to identify what skills and functions each job class should possess to practice stewardship, as well as a comprehensive training plan, and a consultant-recommended strategy for external outreach.

In addition, there has been damage from the recent rain storms in late June 2006. An assessment is being conducted for both cost and repair needs. FEMA will reimburse for labor costs; however, property damage must be paid through our risk management policy. An appropriation will be needed so that repair work can be performed and expended before it is reimbursed. Staff will work with the Department of Management and Budget and Risk Management on this issue.

FISCAL IMPACT:

The Fiscal Year 2006 Carryover submission requests a total increase of \$564,093 comprised of \$114,093 for utility increases, \$250,000 for an Invasive Assessment Plan and \$200,000 for Stewardship Education. If approved, this will increase the FY 2007 Adopted Budget for Fund 303 from \$8,789,868 to \$9,353,961.

ENCLOSED DOCUMENTS:

None

STAFF:

Michael A. Kane, Director  
Timothy K. White, Chief Operating Officer  
Miriam C. Morrison, Director, Administration Division  
Seema Ajrawat, Fiscal Administrator, Administration Division  
Susan Tavallai, Senior Budget Analyst, Administration Division

**ACTION -**

FY 2006 Carryover Budget Review - Fund 370, Park Authority Bond Construction Fund.

ISSUE:

Approval of the FY 2006 Carryover Budget Review submission for Fund 370, Park Authority Bond Construction Fund.

RECOMMENDATION:

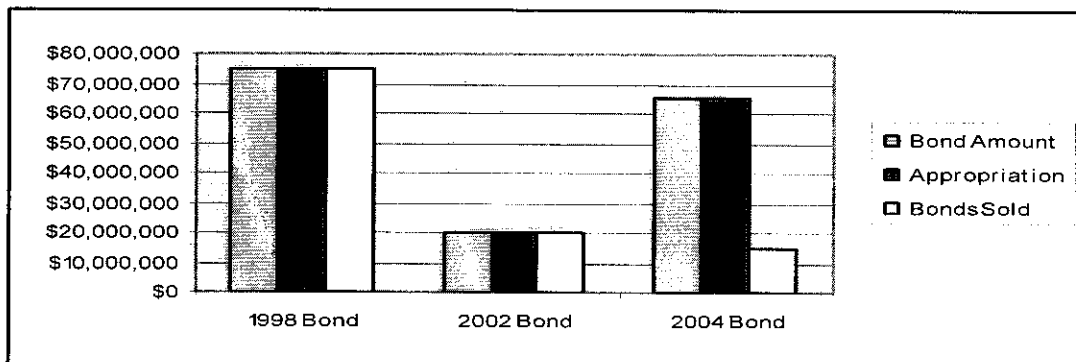
The Park Authority Director recommends approval of the FY 2006 Budget Carryover for Fund 370, Park Authority Bond Construction Fund.

TIMING:

Board action is requested on July 12, 2006. The submission of the FY 2006 Carryover Review was due to the Department of Management and Budget on July 7, 2006.

BACKGROUND:

The Park Authority had a total of \$75,000,000 authorized bonds from the 1998 Bond Program and \$20,000,000 authorized from the 2002 program in Fund 370 for park land acquisition and development. All bonds associated with the 1998 and 2002 program have been sold. In addition, the Park Authority had \$65,000,000 approved as part of the fall 2004 Bond Program. The full complement of \$65,000,000 from the fall 2004 Program has been appropriated. Bond sales to date total \$15,000,000, with \$14,270,750 coming to the Park Authority and \$729,250 going to Fund 303 to reimburse the Oak Hill easement; leaving a balance of available bond funds to be sold in the amount of \$50,000,000.





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The Park Authority is requesting an increase in the appropriation of Building Renovation and Expansion, Project 475804 to reflect \$1,350,000 in bond premium that the agency received. The Park Authority sold bonds in the amount of \$15,000,000 as part of the overall county bond sales of approximately \$90,000,000. Based on an equitable distribution of the total premium, the Park Authority's share was \$1,350,000.

The Park Authority is also requesting that the appropriation in Land Acquisition, Project 476104 be decreased by \$729,250. This action is necessary due to the fact that the park bonds for reimbursement of the Oak Hill easement have already been sold and posted to Fund 303, General County Construction Fund. These park bonds were used to reimburse the Land Acquisition reserve project in Fund 303 that fronted the money for the easement.

Based on a beginning cash balance of \$10,214,041 from the most recent bond sales and a future bond sale of \$51,350,000, the Park Authority will have a total appropriation of \$61,564,041 to expend in the Capital Improvement program for parkland acquisition, development and renovation for Fund 370, Park Authority Bond Construction.

Remaining Balance	\$10,214,041
Scheduled Bond Sales	\$50,000,000
Bond Premium	<u>\$1,350,000</u>
FY 2007 Total	\$61,564,041

FISCAL IMPACT:

The FY 2006 Carryover appropriation request for Fund 370, Park Authority Bond Construction is \$61,564,041.

ENCLOSED DOCUMENTS:

- Attachment 1: FY 2006 Carryover Fund Statement - Fund 370, Park Authority Bond Construction
- Attachment 2: FY 2006 Capital Construction Carryover Summary of Capital Projects - Fund 370, Park Authority Bond Construction
- Attachment 3: FY 2006 Carryover - Fund 370, Park Authority Bond Construction Fund Adjustments

Committee Agenda Item  
July 12, 2006

STAFF:

Michael A. Kane, Director

Timothy K. White, Chief Operating Officer

Lynn S. Tadlock, Director, Planning and Development Division

Sandy Stallman, Manager, Park Planning Branch

Michael P. Baird, Management Analyst, Park Planning Branch

FY 2006 CARRYOVER FUND STATEMENT						
Fund: 370, Park Authority Bond Construction						
Agency: Park Authority						
	1. FY 2006 Estimate	2. FY 2006 Actual	3. Increase (Decrease) (Col. 2-1)	4. FY 2007 Adopted Budget Plan	5. FY 2007 Revised Budget Plan	6. Increase (Decrease) (Col. 5-4)
<b>Beginning Balance</b>	<b>\$20,251,978</b>	<b>\$20,251,978</b>	<b>\$0</b>	<b>\$0</b>	<b>\$10,214,041</b>	<b>\$10,214,041</b>
Revenue:						
Sale of Bonds (1)	\$65,000,000	\$14,270,750	(\$50,729,250)	\$0	\$51,350,000	\$51,350,000
<b>Total Revenue</b>	<b>\$65,000,000</b>	<b>\$14,270,750</b>	<b>(\$50,729,250)</b>	<b>\$0</b>	<b>\$51,350,000</b>	<b>\$51,350,000</b>
<b>Total Available</b>	<b>\$85,251,978</b>	<b>\$34,522,728</b>	<b>(\$50,729,250)</b>	<b>\$0</b>	<b>\$61,564,041</b>	<b>\$61,564,041</b>
Expenditures:	\$85,251,978	\$24,308,687	(\$60,943,291)	\$0	\$61,564,041	\$61,564,041
<b>Total Disbursements</b>	<b>\$85,251,978</b>	<b>\$24,308,687</b>	<b>(\$60,943,291)</b>	<b>\$0</b>	<b>\$61,564,041</b>	<b>\$61,564,041</b>
<b>Ending Balance (2)</b>	<b>\$0</b>	<b>\$10,214,041</b>	<b>\$10,214,041</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

(1) The sale of bonds is presented here for planning purposes only. Actual bond sales are based on cash needs in accordance with Board policy. On November 3, 1998, voters approved a \$75.0 million Park Authority Bond Referendum. On November 5, 2002, voters approved a \$20.0 million Park Authority Bond Referendum to support land acquisition and the development of existing park facilities. All bonds associated with the 1998 Bond and 2002 Bond have been sold. On November 2, 2004 voters approved a \$65 million Park Authority Referendum to continue land acquisition and the development of existing park facilities. As part of the summer 2005 bond sale an amount of \$14.27 million was sold for the Park Authority and .73 million sold to reimburse Fund 303. It should be noted that an additional \$1.35 million has been applied to this fund in bond premium. Following the summer 2005 bond sale, an amount of \$51.35 million remains in authorized but unissued bonds available for projects in this fund.

(2) Capital Projects are budgeted based on the total project cost. Most Projects span multiple years, from design to construction completion. Therefore, funding for capital projects is carried forward each fiscal year, and ending balances fluctuate, reflecting the carryover of these funds.

**FY 2006 CAPITAL CONSTRUCTION CARRYOVER  
SUMMARY OF CAPITAL PROJECTS**

**FUND: 370 PARK AUTHORITY BOND CONSTRUCTION**

PROJECT NUMBER	PROJECT NAME	TOTAL PROJECT ESTIMATE	FY 2006 REVISED BUDGET PLAN	FY 2006 ACTUAL EXPENDITURES	FY 2006 REMAINING BALANCE	FY 2007 ADOPTED BUDGET PLAN	FY 2007 REVISED BUDGET PLAN	INCREASE/ DECREASE
004745	Lane's Mill Restoration	50,000	1,740	0	1,740	0	1,740	0
474104	Athletic Fields-Fall 2004 Park Bond	8,593,000	8,592,550	478,596	8,113,954	0	8,113,954	0
474198	Athletic Fields	7,400,000	695,500	189,557	505,943	0	505,943	0
474404	Infrastructure Renovation-2004 Bond	3,212,000	3,212,000	177,557	3,034,443	0	3,034,443	0
474498	Infrastructure Renovation	4,900,000	628,210	368,565	259,645	0	259,645	0
474604	Trails and Stream Crossings-2004 Bond	4,895,000	4,732,326	2,291,261	2,441,065	0	2,441,065	0
474698	Trails and Stream Crossings	4,200,000	926,392	818,166	108,226	0	108,226	0
475004	Natural and Cultural Resources-2004 Bond	3,830,000	3,776,307	415,666	3,360,641	0	3,360,641	0
475098	Natural and Cultural Resources	10,000,000	5,913,308	1,012,357	4,900,951	0	4,900,951	0
475502	Community Park Development	5,000,000	1,234,952	1,029,540	205,412	0	205,412	0
475504	Community Parks/Courts-2004 Bond	9,426,000	9,032,157	2,015,307	7,016,850	0	7,016,850	0
475598	Community Park Development	10,050,223	4,071,836	2,319,487	1,752,349	0	1,752,349	0
475804	Building Renovation and Expansion-2004 Bond	19,184,000	17,599,944	4,728,534	12,871,410	0	14,221,410	1,350,000
475888	Park Building Renovation	10,463,039	0	0	0	0	0	0
475898	Building Renovations	5,000,000	2,088,763	1,348,365	740,398	0	740,398	0
475998	Playgrounds, Picnic Areas, Tennis and Multi-use Courts	2,500,000	178,566	32,284	146,282	0	146,282	0
476098	West County Recreation Center	15,000,000	244,355	198,552	45,803	0	45,803	0
476102	Land Acquisition	15,000,000	5,099,812	5,092,220	7,592	0	7,592	0
476104	Land Acquisition-2004 Bond	12,030,750	12,760,000	1,761,742	10,998,258	0	10,269,008	(729,250)
476198	Land Acquisition	20,000,001	13,259	12,537	722	0	722	0
476204	Building New Construction-2004 Bond	4,450,000	4,450,000	18,394	4,431,606	0	4,431,606	0
<b>TOTAL FUND 370</b>		<b>175,184,013</b>	<b>85,251,978</b>	<b>24,308,687</b>	<b>60,943,291</b>	<b>0</b>	<b>61,564,041</b>	<b>620,750</b>

## FY 2006 Carryover Fund 370 Park Authority Bond Construction Fund Adjustments

The FY2007 expenditures are recommended to increase by \$61,564,041. This increase is attributable to the carryover of unexpended project balances in the amount of \$60,943,291, and increased in the amount of \$620,750 due to the appropriation of the bond premium in Project 475804 in the amount of \$1,350,000, and the decrease in Project 476104, Land Acquisition in the amount of \$729,250 due to repayment of Oak Hill.

The following project adjustments are requested at this time.

Project/Detail	Increase/Decrease	Comments
475804 Building Renovation and Expansion	\$1,350,000	Increase due to Bond Premium. Total project estimate is increased from 17,834,000 to \$19,184,000.
476104 Land Acquisition	(\$729,250)	Decrease due to repayment of Oak Hill easement. Total project estimate is decreased from 12,760,000 to \$12,030,750

Total                      \$620,750

Committee Agenda Item  
July 12, 2006

**ACTION -**

FY 2006 Carryover Budget Review - Fund 371, Park Capital Improvement Fund

ISSUE:

Approval of the FY 2006 Carryover Budget Review for Fund 371, Park Capital Improvement Fund.

RECOMMENDATION:

The Park Authority Director recommends approval of the FY 2006 Budget Carryover for Fund 371, Park Capital Improvement Fund.

TIMING:

Board action is requested on July 12, 2006. Submission of the FY 2006 Carryover Review was due to the Department of Management and Budget on July 7, 2006.

BACKGROUND:

With regard to Fund 371, Park Capital Improvement Fund, the Park Authority had a remaining balance at the conclusion of FY 2006 in the amount of \$10,190,371. The FY 2007 expenditures are recommended to increase by \$3,353,925 due to receipts of easement fees, donations, park proffers and contributions. The total FY 2007 Revised Budget appropriation request is \$13,544,295.

FISCAL IMPACT:

The FY 2006 Carryover appropriation request for Fund 371, Park Capital Improvement Fund is \$13,544,295.

Committee Agenda Item  
July 12, 2006

ENCLOSED DOCUMENTS:

- Attachment 1: Fund Statement - Fund 371 Capital Improvement Fund
- Attachment 2: FY 2006 Capital Construction Carryover, Summary of Capital Projects –  
Fund 371 Park Capital Improvement Fund
- Attachment 3: FY 2006 Carryover- Fund 371, Park Capital Improvement Fund  
Adjustments

STAFF:

Michael A. Kane, Director  
Timothy K. White, Chief Operating Officer  
Lynn S. Tadlock, Director, Planning and Development Division  
Sandy Stallman, Manager, Park Planning Branch  
Michael P. Baird, Management Analyst, Park Planning Branch

## FUND STATEMENT

## Fund Type P37, Non-Appropriated Funds

## Fund 371, Park Capital Improvement Fund

	FY 2006 Estimate	FY 2006 Actual	Increase (Decrease) (Col. 2-1)	FY 2007 Adopted Budget Plan	FY 2007 Revised Budget Plan	Increase (Decrease) (Col. 5-4)
<b>Beginning Balance</b>	<b>\$14,838,016</b>	<b>\$14,838,016</b>	<b>\$0</b>	<b>\$3,874,025</b>	<b>\$17,160,057</b>	<b>\$13,286,032</b>
Revenue:						
Interest	\$0	\$636,619	\$636,619	\$0		\$0
Capital Grants and Contributions <sup>1</sup>	370,000	0	(370,000)	0	370,000	370,000
Other Revenue	629,218	3,458,260	2,829,042	0		0
<b>Total Revenue</b>	<b>\$999,218</b>	<b>\$4,094,879</b>	<b>\$3,095,661</b>	<b>\$0</b>	<b>\$370,000</b>	<b>\$370,000</b>
Transfers In:						
Park Revenue Fund (170) <sup>2</sup>	\$210,000	\$210,000	\$0	\$0		\$0
<b>Total Transfers In</b>	<b>\$210,000</b>	<b>\$210,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Total Available</b>	<b>\$16,047,234</b>	<b>\$19,142,895</b>	<b>\$3,095,661</b>	<b>\$3,874,025</b>	<b>\$17,530,057</b>	<b>\$13,656,032</b>
<b>Total Expenditures</b>	<b>\$12,173,209</b>	<b>\$1,982,838</b>	<b>(\$10,190,371)</b>	<b>\$0</b>	<b>\$13,544,295</b>	<b>\$13,544,295</b>
<b>Total Disbursements</b>	<b>\$12,173,209</b>	<b>\$1,982,838</b>	<b>(\$10,190,371)</b>	<b>\$0</b>	<b>\$13,544,295</b>	<b>\$13,544,295</b>
<b>Ending Balance<sup>3</sup></b>	<b>\$3,874,025</b>	<b>\$17,160,057</b>	<b>\$13,286,032</b>	<b>\$3,874,025</b>	<b>\$3,985,762</b>	<b>\$111,737</b>
Lawrence Trust Reserve <sup>4</sup>	\$1,507,926	\$1,507,926	\$0	\$1,507,926	\$1,507,926	\$0
Repair and Replacement Reserve <sup>5</sup>	700,000	700,000	0	700,000	700,000	0
Facilities and Services Reserve <sup>6</sup>	1,666,099	1,666,099	0	1,666,099	1,777,836	111,737
<b>Unreserved Ending Balance</b>	<b>\$0</b>	<b>\$13,286,032</b>	<b>\$13,286,032</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<sup>1</sup> Reflects revenues from a Recreation Access Program grant awarded by the Commonwealth of Virginia Transportation Board on December 19, 2002 for improvements at Stratton Woods Park (Project 004567), anticipated to be received in FY 2007.

<sup>2</sup> As part of the FY 2005 Carryover Review, an amount of \$210,000 was transferred from Fund 170, Park Revenue Fund for General Park Improvements.

<sup>3</sup> Capital projects are budgeted based on total project costs. Most projects span multiple years, from design to construction completion. Therefore, funding for capital projects is carried forward each fiscal year, and ending balances fluctuate, reflecting the carryover of these funds.

<sup>4</sup> This reserve separately accounts for the Ellanor C. Lawrence monies received for maintenance and renovation at this site. In accordance with the FCPA Board, the principal amount of \$1,507,926 received from the donation will remain intact and any interest earned will be used according to the terms of the Trust.

<sup>5</sup> The Golf Revenue Bond Indenture requires that a security reserve and capital repair reserve be maintained in the Capital Improvement Plan for repairs to park facilities.

<sup>6</sup> In FY 2001, the Park Authority created a reserve for the maintenance and renovation of revenue-generating facilities and services. As a result of FY 2006 Carryover the Reserve is increased by \$111,737 due to interest received in the Facilities and Services Project (004765).



**FY 2006 CAPITAL CONSTRUCTION CARRYOVER  
SUMMARY OF CAPITAL PROJECTS**

**FUND: 371 PARK CAPITAL IMPROVEMENT FUND**

PROJECT NUMBER	PROJECT NAME	TOTAL PROJECT ESTIMATE	FY 2006 REVISED BUDGET PLAN	FY 2006 ACTUAL EXPENDITURES	FY 2006 REMAINING BALANCE	FY 2006 ACTUAL REVENUES	FY 2007 ADOPTED BUDGET PLAN	FY 2007 REVISED BUDGET PLAN	INCREASE/ DECREASE
004102	Low Impact Development	150,000	150,000	3,542	146,458	0	0	146,458	0
004103	Stewardship Education	135,000	134,600	19,424	115,176	0	0	115,176	0
004105	GIS/Data/Green Infrastructure	180,000	180,000	6,529	173,471	0	0	173,471	0
004108	Lee District Land Acquisition and Development	542,862	542,862	0	542,862	0	0	542,862	0
004109	Countywide Trails	11,000	11,000	0	11,000	0	0	11,000	0
004110	Merrilee Park	3,939	0	0	0	3,939	0	3,939	3,939
004113	Lee District Telecommunications	11,634	0	0	0	11,634	0	11,634	11,634
004146	Fox Mill Park	11,945	11,945	0	11,945	0	0	11,945	0
004349	South Run Park	210,025	56,195	10,700	45,495	15,353	0	60,848	15,353
004380	Beulah Park	7,670	7,670	0	7,670	0	0	7,670	0
004391	Greenbriar Park	40,000	0	0	0	0	0	0	0
004493	Lee District	487,564	56,832	27,039	29,793	15,215	0	45,008	15,215
004503	Cub Run Stream Valley	187,479	67,736	0	67,736	14,614	0	82,350	14,614
004522	Frying Pan Park	85,638	48,890	0	48,890	20,904	0	69,794	20,904
004528	Riverbend Park	49,382	26,524	10,856	15,668	4,182	0	19,850	4,182
004534	Park Contingency		450,866	0	450,866	477,622	0	1,117,494	666,628
004538	Park Easement Administration	1,586,424	416,808	139,424	277,384	67,961	0	345,345	67,961
004539	Easement Permit Monetary Assurance								
004558	Park Collections	49,141	4,067	382	3,685	0	0	3,685	0
004564	History Special Events	8,000	2,995	0	2,995	0	0	2,995	0
004567	Stratton Woods	1,220,907	289,374	35,964	253,410	91,957	0	345,367	91,957
004584	Nottoway	57,969	3,040	0	3,040	0	0	3,040	0
004592	Sully	596,489	304,590	11,298	293,292	34,000	0	327,292	34,000
004595	Mason District Park	434,150	126,100	0	126,100	45,807	0	171,907	45,807
004596	Wakefield	1,899,288	12,722	12,402	320	15,203	0	15,523	15,203
004626	Sugarland Run Park	24,886	14,896	0	14,896	0	0	14,896	0
004638	Lake Braddock School Site	12,000	3,297	0	3,297	0	0	3,297	0
004701	Lake Accotink Park	200,000	200,000	10,994	189,006	0	0	0	(189,006)
004748	General Park Improvements		822,822	357,737	464,885	0	0	464,885	0
004749	ParkNet	2,642,000	685,262	0	685,262	0	0	685,262	0
004750	Park Proffers	9,433,881	4,250,780	416,046	3,834,734	2,336,735	0	6,171,469	2,336,735
004751	Park Rental Bldg Maintenance	1,222,081	444,709	104,048	340,661	0	0	340,661	0
004755	Union Mills Civil War Site	24,500	3,291	3,291	0	0	0	0	0
004758	Archaeology Proffers	154,732	78,000	8,844	69,156	20,100	0	89,256	20,100
004759	Stewardship Publications	50,167	36,657	(70)	36,727	3,944	0	40,671	3,944
004760	Stewardship Exhibits	13,325	12,467	3,829	8,638	0	0	8,638	0
004761	Lawrence Trust	281,401	76,410	0	76,410	58,260	0	134,670	58,260
004762	Golf Improvements	2,662,740	11,185	(13,241)	24,426	0	0	24,426	0
004763	Grants	570,279	302,078	9,457	292,621	2,000	0	294,621	2,000
004764	Mt. Air	46,701	4,943	0	4,943	0	0	4,943	0
004765	Facilities and Services (move to Reserve)	425,817	0	0	0	111,737	0	0	0

**FY 2006 CAPITAL CONSTRUCTION CARRYOVER  
SUMMARY OF CAPITAL PROJECTS**

**FUND: 371 PARK CAPITAL IMPROVEMENT FUND**

PROJECT NUMBER	PROJECT NAME	TOTAL PROJECT ESTIMATE	FY 2006 REVISED BUDGET PLAN	FY 2006 ACTUAL EXPENDITURES	FY 2006 REMAINING BALANCE	FY 2006 ACTUAL REVENUES	FY 2007 ADOPTED BUDGET PLAN	FY 2007 REVISED BUDGET PLAN	INCREASE/ DECREASE
004769	Mastenbrook Volunteer Grant Program	280,338	76,595	45,284	31,311	35,553	0	66,864	35,553
004771	Historic Huntley	428,317	404,711	0	404,711	7,715	0	412,426	7,715
004774	Gabrielson Gardens	2,000	2,000	0	2,000	0	0	2,000	0
004775	Open Space Preservation Fund	441,812	252,059	50,000	202,059	39,753	0	241,812	39,753
004778	Land Acquisition Support	156,420	75,164	20,802	54,362	0	0	54,362	0
004780	Lake Fairfax Train Replacement	10,500	10,500	0	10,500	0	0	10,500	0
004782	CLEMYJONTRI	720,443	703,424	97,258	606,166	17,002	0	623,168	17,002
004783	Linway Terrace	5,000	5,000	0	5,000	0	0	5,000	0
004785	Providence Area Park Improvements	83,050	60,000	0	60,000	0	0	60,000	0
004787	McLean Central Park	12,000	5,295	3,997	1,298	0	0	1,298	0
004788	West County REC Center	435,000	323,155	308,629	14,526	0	0	14,526	0
004791	Popes Head Estates	5,055	5,055	0	5,055	0	0	5,055	0
004792	Hoopes Road Park	735,000	306,893	232,223	74,670	0	0	74,670	0
004793	Great Falls Nike	51,780	0	0	0	0	0	0	0
004795	Pohick Stream Valley (Hidden Pond)	100,000	0	0	0	0	0	0	0
004796	South Run S.V (Mt. Vernon)	48,935	34,463	0	34,463	14,472	0	48,935	14,472
004797	Arrowhead Park	158,000	55,012	46,150	8,862	0	0	8,862	0
004799	Wolf Trap	<u>24,000</u>	<u>2,469</u>	<u>0</u>	<u>2,469</u>	<u>0</u>	<u>0</u>	<u>2,469</u>	<u>0</u>
	<b>TOTAL FUND 371</b>	<b>29,428,666</b>	<b>12,173,209</b>	<b>1,982,838</b>	<b>10,190,371</b>	<b>3,465,662</b>	<b>0</b>	<b>13,544,295</b>	<b>3,353,925</b>

### FY 2006 Carryover Fund 371 Park Capital Improvement Fund Adjustments

The FY2007 expenditures are recommended to increase by \$3,353,925. This increase is attributable to the carryover of unexpended project balances, and an increase due to receipt of easement fees, donations, park proffers and contributions. The total FY 2007 Revised Budget appropriation request is \$13,544,295. In addition, the following project adjustments are requested at this time.

Project/Detail	Increase/Decrease	Comments
004110 Merrilee Park	\$3,939	Appropriation of rental revenues. Total project estimate is increased from \$0 to \$3,939.
004113 Lee District Telecom	\$11,634	Appropriation of telecommunication leases. Total project estimate is \$11,634
004349 South Run Park	\$15,353	Appropriation of telecommunication leases. Total project estimate is increased from \$194,672 to \$210,025.
004493 Lee District	\$15,215	Increase due to receipt of proffer funds for park site and building renovations. Total project estimate is increased from \$472,349 to \$487,564.
004503 Cub Run Stream Valley	\$14,614	Appropriation of telecommunication leases. Total project estimate is increased from \$172,865 to \$187,479.
004522 Frying Pan Park	\$20,904	Appropriation of telecommunication leases. Total project estimate is increased from \$64,734 to \$85,638.
004528 Riverbend Park	\$4,182	Donation from Conservation & Recreation for improvements at Riverbend. Total project estimate is increased from \$45,200 to \$49,382.
004534 Park Contingency	\$666,628	Balance includes revenue of \$666,628 including \$466,622 in Interest and \$11,000 in Misc revenue, and \$189,006 transferred from Lake Accotink (004701).
004538 Park Easement Administration	\$67,961	Appropriation of easement revenue. Total project estimate is increased from \$1,518,463 to \$1,586,424.
004567 Stratton Woods	\$91,957	Appropriation of telecommunication leases. Total project estimate is increased from \$1,128,950 to \$1,220,907.
004592 Sully	\$34,000	Increase from Sully Foundation. Total project estimate is increased from \$562,489 to \$596,489.
004595 Mason District Park	\$45,807	Appropriation of telecommunication leases. The total project estimate is increased from \$388,343 to \$434,150.
004596 Wakefield	\$15,203	Appropriation of telecommunication leases. Total project estimate is increased from \$1,884,085 to \$1,899,288.
004701 Lake Accotink Park	(\$189,006)	Balance transferred back to Contingency (004534) based on Risk Management reimbursement.
004750 Park Proffers	\$2,336,735	Increase due to receipt of proffer funds. Funds from FY2006 are requested to be appropriated. The total project estimate is increased from \$7,097,146 to \$9,433,881.

Project/Detail	Increase/Decrease	Comments
004758 Archaeology Proffers	\$20,100	Increase due to receipt of proffer funds. total project estimate is increased from \$134,632 to \$154,732.
004759 Stewardship Publications	\$3,944	Increase due to receipt of funds for historic publication and education. The total project estimate is increased from \$46,223 to \$50,167.
004761 Lawrence Trust	\$58,260	Increase due to receipt of \$58,260 in interest revenue. The total project estimate is increased from \$223,141 to \$281,401.
004763 Grants Project Detail - 639-\$2,000	\$2,000	Increase due to receipt of funds for Jefferson District from Exxon/Mobile The total project estimate is increased from \$568,279 to \$570,279.
004769 Mastenbrook Volunteer Grant Program	\$35,553	Increase due to receipt of matching funds The total project estimate is increased from \$244,785 to \$280,338.
004771 Historic Huntley	\$7,715	Increase due to receipt of proffer funds for park site and building renovations. The total project estimate is increased from \$420,602 to \$428,317.
004775 Open Space Land Preservation Fund	\$39,753	Increase due to receipt of donation funds for preservation of open space. The total project estimate is increased from \$402,059 to \$441,812.
004782 CLEMYJONTRI	\$17,002	Increase due to receipt of funds from PA Foundation for improvements at CLEMYJONTRI. The total project estimate is increased from \$703,441 to \$720,443.
004796 South Run S.V.	\$14,472	Appropriation of telecommunication leases. Total project estimate is increased from \$34,463 to \$48,935.

Total                      \$3,353,925